

**BEFORE THE
MEDICAL BOARD OF CALIFORNIA
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA**

**In the Matter of the Accusation)
Against:)**

SEUNG HO CHOI M.D.)

File No. 8002014006846

**Physician's and Surgeon's)
Certificate No. G61099)**

**Respondent)
_____)**

DECISION

The attached Stipulated Settlement and Disciplinary Order is hereby adopted as the Decision and Order of the Medical Board of California, Department of Consumer Affairs, State of California.

This Decision shall become effective at 5:00 p.m. on August 10, 2018

IT IS SO ORDERED July 13, 2018.

MEDICAL BOARD OF CALIFORNIA

**By: Ronald H. Lewis, MD
Ronald H. Lewis, M.D., Chair
Panel A**

1 XAVIER BECERRA
Attorney General of California
2 ROBERT MCKIM BELL
Supervising Deputy Attorney General
3 TRINA L. SAUNDERS
Deputy Attorney General
4 State Bar No. 207764
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7 *Attorneys for Complainant*

8 **BEFORE THE**
9 **MEDICAL BOARD OF CALIFORNIA**
10 **DEPARTMENT OF CONSUMER AFFAIRS**
STATE OF CALIFORNIA

11 In the Matter of the Accusation Against:

Case No. 800-2014-006846

12 SEUNG HO CHOI, M.D.
13 5115 Stern Avenue
Sherman Oaks, Ca. 91423

**STIPULATED SETTLEMENT AND
DISCIPLINARY ORDER**

14 **Physician's and Surgeon's Certificate No. G**
15 **61099**

16 Respondent.

17
18 IT IS HEREBY STIPULATED AND AGREED by and between the parties to the above-
19 entitled proceedings that the following matters are true:

20 **PARTIES**

21 1. Kimberly Kirchmeyer (Complainant) is the Executive Director of the Medical Board
22 of California (Board). She brought this action solely in her official capacity and is represented in
23 this matter by Xavier Becerra, Attorney General of the State of California, by Trina L. Saunders,
24 Deputy Attorney General.

25 2. Respondent Seung Ho Choi, M.D. (Respondent) is represented in this proceeding by
26 attorney Joel Douglas of Bonne Bridges Mueller O'Keefe & Nichols, whose address is 355 South
27 Grand Avenue, Suite 1750, Los Angeles California 90071.
28

3. On August 24, 1987, the Board issued Physician's and Surgeon's Certificate No. G 61099 to Seung Ho Choi, M.D. (Respondent). The Physician's and Surgeon's Certificate was in full force and effect at all times relevant to the charges brought in Accusation No. 800-2014-006846, and will expire on May 31, 2019, unless renewed.

JURISDICTION

4. Accusation No. 800-2014-006846 was filed before the Board, and is currently pending against Respondent. The Accusation and all other statutorily required documents were properly served on Respondent on January 3, 2017. Respondent timely filed his Notice of Defense contesting the Accusation.

5. A copy of Accusation No.-800-2014-006846 is attached as exhibit A and incorporated herein by reference.

ADVISEMENT AND WAIVERS

6. Respondent has carefully read, fully discussed with counsel, and understands the charges and allegations in Accusation No. 800-2014-006846. Respondent has also carefully read, fully discussed with counsel, and understands the effects of this Stipulated Settlement and Disciplinary Order.

7. Respondent is fully aware of his legal rights in this matter, including the right to a hearing on the charges and allegations in the Accusation; the right to confront and cross-examine the witnesses against him; the right to present evidence and to testify on his own behalf; the right to the issuance of subpoenas to compel the attendance of witnesses and the production of documents; the right to reconsideration and court review of an adverse decision; and all other rights accorded by the California Administrative Procedure Act and other applicable laws.

8. Respondent voluntarily, knowingly, and intelligently waives and gives up each and every right set forth above.

CULPABILITY

9. Respondent understands and agrees that the charges and allegations in Accusation No. 800-2014-006846, if proven at a hearing, constitute cause for imposing discipline upon his Physician's and Surgeon's Certificate.

1 pursuant to California Business and Professions Code section 2227, subdivision (a)(4). This
2 Public Reprimand, which is issued in connection with Respondent's care and treatment of
3 patients S.M., E.T., and Y.P., as set forth in Accusation No. 800-2014-006846, is as follows:

4 Respondent failed to maintain adequate records of his care and treatment of patients S.M.,
5 E.T., and Y.P., which constituted gross negligence.

6 In the case of patient S.M., he failed to document a clear treatment plan with stated
7 objectives for patients suffering from chronic pain, which was below the standard of care.

8 B. PRESCRIBING PRACTICES COURSE. Within 60 calendar days of the
9 effective date of this Decision, Respondent shall enroll in a course in prescribing practices
10 approved in advance by the Board or its designee. Respondent shall provide the approved course
11 provider with any information and documents that the approved course provider may deem
12 pertinent. Respondent shall participate in and successfully complete the classroom component of
13 the course not later than six (6) months after Respondent's initial enrollment. Respondent shall
14 successfully complete any other component of the course within one (1) year of enrollment. The
15 prescribing practices course shall be at Respondent's expense and shall be in addition to the
16 Continuing Medical Education (CME) requirements for renewal of licensure.

17 A prescribing practices course taken after the acts that gave rise to the charges in the
18 Accusation, but prior to the effective date of the Decision may, in the sole discretion of the Board
19 or its designee, be accepted towards the fulfillment of this condition if the course would have
20 been approved by the Board or its designee had the course been taken after the effective date of
21 this Decision.

22 Respondent shall submit a certification of successful completion to the Board or its
23 designee not later than 15 calendar days after successfully completing the course, or not later than
24 15 calendar days after the effective date of the Decision, whichever is later.

25 C. MEDICAL RECORD KEEPING COURSE. Within 60 calendar days of
26 the effective date of this Decision, Respondent shall enroll in a course in medical record keeping
27 approved in advance by the Board or its designee. Respondent shall provide the approved course
28 provider with any information and documents that the approved course provider may deem

1 pertinent. Respondent shall participate in and successfully complete the classroom component of
2 the course not later than six (6) months after Respondent's initial enrollment. Respondent shall
3 successfully complete any other component of the course within one (1) year of enrollment. The
4 medical record keeping course shall be at Respondent's expense and shall be in addition to the
5 Continuing Medical Education (CME) requirements for renewal of licensure.

6 A medical record keeping course taken after the acts that gave rise to the charges in the
7 Accusation, but prior to the effective date of the Decision may, in the sole discretion of the Board
8 or its designee, be accepted towards the fulfillment of this condition if the course would have
9 been approved by the Board or its designee had the course been taken after the effective date of
10 this Decision.

11 Respondent shall submit a certification of successful completion to the Board or its
12 designee not later than 15 calendar days after successfully completing the course, or not later than
13 15 calendar days after the effective date of the Decision, whichever is later.

14 Failure to participate in and successfully complete the medical record keeping course, as
15 outlined above, shall constitute unprofessional conduct and grounds for further disciplinary
16 action.

17 ACCEPTANCE

18 I have carefully read the above Stipulated Settlement and Disciplinary Order and have fully
19 discussed it with my attorney, Joel Douglas. I understand the stipulation and the effect it will
20 have on my Physician's and Surgeon's Certificate. I enter into this Stipulated Settlement and
21 Disciplinary Order voluntarily, knowingly, and intelligently, and agree to be bound by the
22 Decision and Order of the Medical Board of California.

23
24 DATED: 2/22/18 SHC

25 SEUNG HO CHOI, M.D.
26 Respondent
27
28

1 I have read and fully discussed with Respondent Seung Ho Choi, M.D. the terms and
2 conditions and other matters contained in the above Stipulated Settlement and Disciplinary Order.
3 I approve its form and content.

4
5
6 DATED: 2/22/18

Joel Douglas
JOEL DOUGLAS
Attorney for Respondent

8
9
10 ENDORSEMENT

11 The foregoing Stipulated Settlement and Disciplinary Order is hereby respectfully
12 submitted for consideration by the Medical Board of California.

13
14 Dated: February 22, 2018

Respectfully submitted,

15 XAVIER BECERRA
16 Attorney General of California
17 ROBERT MCKIM BELL
Supervising Deputy Attorney General

18 Trina L. Saunders
19 TRINA L. SAUNDERS
20 Deputy Attorney General
Attorneys for Complainant

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Exhibit A

Accusation No. 800-2014-006846

1 KAMALA D. HARRIS
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2 ROBERT MCKIM BELL
Supervising Deputy Attorney General
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7 *Attorneys for Complainant*

FILED
STATE OF CALIFORNIA
MEDICAL BOARD OF CALIFORNIA
SACRAMENTO Jan 3 2017
BY *[Signature]* ANALYST

8 BEFORE THE
9 MEDICAL BOARD OF CALIFORNIA
DEPARTMENT OF CONSUMER AFFAIRS
10 STATE OF CALIFORNIA

11 In the Matter of the Accusation Against:

Case No. 800-2014-006846

12 ACCUSATION

13 SEUNG HO CHOI, M.D.
14 5115 Stern Avenue
Sherman Oaks, CA 91423

15 Physician's and Surgeon's Certificate
16 No. G 61099,

Respondent.

17
18 Complainant alleges:

19 PARTIES

20 1. Kimberly Kirchmeyer (Complainant) brings this Accusation solely in her official
21 capacity as the Executive Director of the Medical Board of California, Department of Consumer
22 Affairs (Board).

23 2. On August 24, 1987, the Medical Board issued Physician's and Surgeon's Certificate
24 Number G 61099 to Seung Ho Choi, M.D. (Respondent). The Physician's and Surgeon's
25 Certificate was in full force and effect at all times relevant to the charges brought herein and will
26 expire on May 31, 2017, unless renewed.
27
28

JURISDICTION

3. This Accusation is brought before the Board under the authority of the following laws. All section references are to the Business and Professions Code, unless otherwise indicated.

4. Section 2227 of the Code states:

“(a) A licensee whose matter has been heard by an administrative law judge of the Medical Quality Hearing Panel as designated in Section 11371 of the Government Code, or whose default has been entered, and who is found guilty, or who has entered into a stipulation for disciplinary action with the board, may, in accordance with the provisions of this chapter:

“(1) Have his or her license revoked upon order of the board.

“(2) Have his or her right to practice suspended for a period not to exceed one year upon order of the board.

“(3) Be placed on probation and be required to pay the costs of probation monitoring upon order of the board.

“(4) Be publicly reprimanded by the board. The public reprimand may include a requirement that the licensee complete relevant educational courses approved by the board.

“(5) Have any other action taken in relation to discipline as part of an order of probation, as the board or an administrative law judge may deem proper.

“(b) Any matter heard pursuant to subdivision (a), except for warning letters, medical review or advisory conferences, professional competency examinations, continuing education activities, and cost reimbursement associated therewith that are agreed to with the board and successfully completed by the licensee, or other matters made confidential or privileged by existing law, is deemed public, and shall be made available to the public by the board pursuant to Section 803.1.”

5. Section 2234 of the Code, states:

“The board shall take action against any licensee who is charged with unprofessional conduct. In addition to other provisions of this article, unprofessional conduct includes, but is not limited to, the following:

1 “(a) Violating or attempting to violate, directly or indirectly, assisting in or abetting the
2 violation of, or conspiring to violate any provision of this chapter.

3 “(b) Gross negligence.

4 “(c) Repeated negligent acts. To be repeated, there must be two or more negligent acts or
5 omissions. An initial negligent act or omission followed by a separate and distinct departure from
6 the applicable standard of care shall constitute repeated negligent acts.

7 “(1) An initial negligent diagnosis followed by an act or omission medically appropriate
8 for that negligent diagnosis of the patient shall constitute a single negligent act.

9 “(2) When the standard of care requires a change in the diagnosis, act, or omission that
10 constitutes the negligent act described in paragraph (1), including, but not limited to, a
11 reevaluation of the diagnosis or a change in treatment, and the licensee's conduct departs from the
12 applicable standard of care, each departure constitutes a separate and distinct breach of the
13 standard of care.

14 “(d) Incompetence.

15 “(e) The commission of any act involving dishonesty or corruption which is substantially
16 related to the qualifications, functions, or duties of a physician and surgeon.

17 “(f) Any action or conduct which would have warranted the denial of a certificate.

18 “(g) The practice of medicine from this state into another state or country without meeting
19 the legal requirements of that state or country for the practice of medicine. Section 2314 shall not
20 apply to this subdivision. This subdivision shall become operative upon the implementation of the
21 proposed registration program described in Section 2052.5.

22 “(h) The repeated failure by a certificate holder, in the absence of good cause, to attend and
23 participate in an interview by the board. This subdivision shall only apply to a certificate holder
24 who is the subject of an investigation by the board.”

25 6. Section 2266 of the Code states: “The failure of a physician and surgeon to maintain
26 adequate and accurate records relating to the provision of services to their patients constitutes
27 unprofessional conduct.”
28

FIRST CAUSE FOR DISCIPLINE

(Gross Negligence - Failure to Maintain Adequate Records)

7. Respondent Seung-Ho Choi, M.D. is subject to disciplinary action under Code section 2234(b) in that he was grossly negligent in the care and treatment he rendered to three patients, S.M., E.T., and Y.P. The circumstances are as follows:

Patient S.M.

8. Patient S.M. is a 52-year-old female with diabetes, severe peripheral neuropathy, gastro paresis and psoriasis, who is status post a left below the knee amputation, partial pancreatectomy and is wheelchair-bound. She takes lorazepam 2 mg bid and Xanax 0.25 mg q6h prn, Tylenol #4, and uses medical marijuana.

9. The majority of the notes written by Respondent in the patient chart are illegible.

10. Respondent has one clinic note that references the patient's "neck pain." However, the note fails to describe the quality, severity, radiation pattern, exacerbating factors, or relieving factors of pain. The clinic note does not contain an assessment of the pain severity and provides no basis for prescribing chronic benzodiazepines and narcotics.

11. On March 4, 2016, Respondent was interviewed by a Health Quality Investigation Unit investigator, on behalf of the Board, to discuss his care and treatment of several patients, including patient S.M. During that interview, he stated that patient S.M. has chronic "stomach pain" and "leg pain." He stated that she took Tylenol #4 for the neck pain and stomach pain. She took lorazepam for neck spasms and stomach spasms, as this medicine seems to relax spasms in both areas.

12. Patient S.M. was prescribed Tylenol #4 and lorazepam for at least two years between 2012 and 2014. Respondent never documented a discussion of the risks of taking chronic benzodiazepines and opiates. He never documented a treatment objective or a periodic review of the treatment plan that assessed progress toward particular objectives.

Patient E.T.

13. Patient E.T. is a 78-year-old woman with bladder cancer, hypertension, nephrolithiasis, gastroesophageal reflux disease, stress urinary incontinence, rheumatoid arthritis,

1 osteopenia, degenerative disc disease of the spine, sciatica, and lumbar spinal stenosis. She is
2 status-post a bilateral hip replacement. Respondent's treatment notes regarding this patient are
3 frequently illegible and the portions that are legible reference rheumatoid arthritis, hypertension,
4 and occasionally "pain," but does not describe the location, quality, or severity of the pain or the
5 plan of care.

6 Patient Y.P.

7 14. Patient Y.P., a 46-year-old female with a history of hypertension, morbid obesity,
8 hyperlipidemia, hypothyroidism, rheumatoid arthritis, and who is wheelchair dependent.

9 15. She saw Respondent between November 2001 and August 2015.

10 16. On August 26, 2011, patient Y.P. presented to Respondent with complaints of chest
11 pain and shortness of breath. The medical record does not contain a description of patient Y.P.'s
12 pain, exacerbating or relieving factors, a differential diagnosis, or work up. Respondent
13 prescribed patient Y.P. Norco 5/325 mg tablets for her pain.

14 17. Every patient who presents with complaints of shortness of breath and chest pain
15 should receive careful assessment to determine if they have a life-threatening etiology causing
16 these symptoms.


17 18. Every clinic note should reflect the reason for a patient's visit, a careful description of
18 the problem(s), a thorough exam addressing the active problems, documentation of vital signs, a
19 pain assessment including the severity of pain, and the assessment and plan for the problems
20 assessed. In addition, notes must be legible.

21 19. The majority of Respondent's notes related to the treatment and care of patients S.M.,
22 E.T. and Y.P., lacked an adequate assessment of the active problems, a plan of care and lacked a
23 thorough exam to address the active problem(s). Visits that referenced pain, failed to describe the
24 onset of such pain, the location, quality, radiation pattern, severity, and exacerbating relieving
25 factors of/for the pain. No differential diagnosis for the etiology of the pain or a work-up and
26 treatment plan were documented.

27 20. Respondent's clinic note documentation and its inadequacies constitute an extreme
28 departure from the standard of care pursuant to section 2234 (b) of the Code.

1 4. Taking such other and further action as deemed necessary and proper.

2
3 DATED: January 3, 2017


KIMBERLY KIRCHMEYER
Executive Director
Medical Board of California
Department of Consumer Affairs
State of California
Complainant

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